

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
MOISES MENDEZ,

Plaintiff,

v.

STARWOOD HOTELS & RESORTS
WORLDWIDE, INC.

Defendant.
----- X

:
:
: 08 Civ. 4967 (CM)(KNF)
:
:

: **PLAINTIFF'S PROPOSED**
: **VERDICT SHEET**
:
:
:
:

Plaintiff Moises Mendez, by and through his attorneys, Thompson Wigdor & Gilly LLP, hereby proposes that the following Verdict Sheet be used in the trial of this matter.

Dated: New York, New York
September 25, 2009

Respectfully submitted,

THOMPSON WIGDOR & GILLY LLP



Kenneth P. Thompson
Andrew S. Goodstadt
Ariel Y. Graff

85 Fifth Avenue
New York, NY 10003
Telephone: (212) 257-6800
Facsimile: (212) 257-6845
kthompson@twglaw.com
agoodstadt@twglaw.com
agraff@twglaw.com

COUNSEL FOR PLAINTIFF MOISES MENDEZ

Colleen McMahon, District Judge:

According to the principles of law as charged by the Court and the facts as you find them from a preponderance of the evidence, please answer the following questions:

SECTION 1: Harassment/Hostile Work Environment

QUESTION 1-A:

Did the Plaintiff prove that he suffered a hostile or abusive work environment based on his race, color, ethnicity, national origin and/or disability?

YES _____

NO _____

INSTRUCTION: ONLY ANSWER QUESTIONS 1-B, 1-C AND 1-D IF YOU ANSWERED "YES" TO QUESTION 1-A

QUESTION 1-B

Please indicate the amount of economic damages, if any, to which the Plaintiff is entitled for his race, color, ethnicity, national origin and disability discrimination and/or a hostile work environment claims:

\$ _____

QUESTION 1-C

Please indicate the amount of compensatory damages, if any, to which the Plaintiff is entitled for his race, color, ethnicity, national origin and disability discrimination and/or a hostile work environment claims:

\$ _____

QUESTION 1-D

Please indicate whether Plaintiff is entitled to punitive damages for his race, color, ethnicity, national origin and disability discrimination and/or a hostile work environment claims:

YES _____

NO _____

SECTION 2: Retaliation

QUESTION 2-A

Did the Plaintiff prove that he suffered retaliation by Defendant?

YES _____

NO _____

INSTRUCTION: ONLY ANSWER QUESTIONS 2-B, 2-C and 2-D IF YOU ANSWERED "YES" TO QUESTION 2-A;

IF YOU ANSWERED "NO" TO QUESTION 2-A, PROCEED TO QUESTION 3-A

QUESTION 2-B

Please indicate the amount of economic damages, if any, to which the Plaintiff is entitled for his retaliation claims:

\$ _____

QUESTION 2-C

Please indicate the amount of compensatory damages, if any, to which the Plaintiff is entitled for his retaliation claims:

\$ _____

QUESTION 2-D

Please indicate the amount of punitive damages, if any, to which the Plaintiff is entitled for his retaliation claims:

\$ _____

SECTION 3: Disability – Failure to Accommodate

QUESTION 3-A

Did the Plaintiff prove that Defendant failed to reasonably accommodate his disabilities and/or that Defendant failed to initiate or engage in a discussion with Plaintiff regarding his need for a reasonable accommodation for his disabilities?

YES _____

NO _____

INSTRUCTION: ONLY ANSWER QUESTIONS 3-B, 3-C and 3-D IF YOU ANSWERED "YES" TO QUESTION 3-A;

IF YOU ANSWERED "NO" TO QUESTION 3-A, PROCEED TO QUESTION 4-A

QUESTION 3-B

Please indicate the amount of economic damages, if any, to which the Plaintiff is entitled for his failure to accommodate claims:

\$ _____

QUESTION 3-C

Please indicate the amount of compensatory damages, if any, to which the Plaintiff is entitled for his failure to accommodate claims:

\$ _____

QUESTION 3-D

Please indicate the amount of punitive damages, if any, to which the Plaintiff is entitled for his failure to accommodate claims:

\$ _____

SECTION 4: Negligent Supervision/Retention

QUESTION 4-A

Did the Plaintiff prove that Defendant was negligent in supervising or retaining employees, supervisors or managers who harmed him?

YES _____

NO _____

INSTRUCTION: ONLY ANSWER QUESTIONS 4-B, 4-C and 4-D IF YOU ANSWERED "YES" TO QUESTION 4-A;

IF YOU ANSWERED "NO" TO QUESTION 4-A, PROCEED TO THE FINAL INSTRUCTIONS BELOW

QUESTION 4-B

Please indicate the amount of economic damages, if any, to which the Plaintiff is entitled for his negligent supervision/retention claim:

\$ _____

QUESTION 4-C

Please indicate the amount of compensatory damages, if any, to which the Plaintiff is entitled for his negligent supervision/retention claim:

\$ _____

QUESTION 4-D

Did the Plaintiff prove that Defendant had actual knowledge of the undue risk of harm to which it was exposing Plaintiff in supervising or retaining unfit employees, supervisors or managers who harmed him?

YES _____

NO _____

INSTRUCTION: ONLY ANSWER QUESTIONS 4-E IF YOU ANSWERED "YES" TO QUESTION 4-D;

IF YOU ANSWERED "NO" TO QUESTION 4-D, PROCEED TO THE FINAL INSTRUCTIONS BELOW

QUESTION 4-E

Please indicate the amount of punitive damages, if any, to which the Plaintiff is entitled for his negligent supervision/retention claim:

\$ _____

FINAL INSTRUCTIONS: ONCE YOU HAVE COMPLETED THIS FORM, THE JURY'S FOREPERSON SHOULD SIGN AND DATE IT.

THEN ADVISE THE COURT BY NOTE THAT YOU HAVE REACHED A VERDICT AND THAT YOU ARE READY TO RETURN TO THE COURTROOM TO ANNOUNCE YOUR VERDICT.

Dated: New York, New York

December __, 2009
(date)

FOREPERSON